

FILED  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
CLERK'S OFFICE

2004 MAY 27 A 10:58

Civil Action No. 03-12355-RCL  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

\_\_\_\_\_  
THOMAS BUFFONGE  
Plaintiff

Vs.

\_\_\_\_\_  
PRUDENTIAL INSURANCE  
COMPANY  
And  
GETRONICS WANG CO., LLC  
Defendants  
\_\_\_\_\_

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

Pursuant to Local Rule 16.1(D), the parties hereby submit the following Agenda for Scheduling Conference, Proposed Pretrial Schedule, and Certifications. There are no areas of dispute with regard to the Proposed Pretrial Schedule.

**I. Summary of the Positions Asserted by the Parties**

Plaintiff asserts that he should have been awarded long term disability benefits retroactively to 1996 and into the future, and that the failure to award him those benefits was contrary to the benefits plan under which he submitted his claim, contrary to law and arbitrary and capricious. He asserts that due to the wrongful denial of benefits to him he is entitled to an award of benefits both retroactively as well as into the future, as well as interest and attorneys fees.

Defendant asserts that Plaintiff was not entitled to long term disability benefits when he made application for them in 1996, and that in any event the denial of benefits to him was in compliance with the benefit plan, was not contrary to law, and was not arbitrary or capricious. Defendant denies that plaintiff is entitled to any relief in the way of an award of benefits or otherwise.

## **II. Agenda of Matters to be Discussed at Scheduling Conference**

### **A. Proposed Pretrial Schedule**

1. Discovery Plan
2. Motion Schedule
3. Pretrial Conference
4. Any matter listed in FRCP 16(c), or which the Court deems appropriate.

### **B. Mediation/Alternative Dispute Resolution**

### **C. Trial by Magistrate Judge**

### **D. Plaintiff's Settlement Proposal**

## **III. Proposed Pretrial Schedule**

### **A. Discovery Plan**

#### **1. Deadline for the Completion of Fact Discovery: February 3, 2005**

Discovery shall be served so that the responses shall be served or depositions shall be completed by **February 3, 2005**. For the time being, the parties agree that the discovery shall be conducted pursuant to the limitations set forth in Local Rule 26.1(C). Neither party waives the right to seek leave of court to conduct discovery beyond that provided for in the Local Rules. Should either party determine that discovery beyond the limitations set forth in Local Rule 26.1 (C) is needed, such party will endeavor to reach agreement on the issue with opposing counsel before raising it with the Court.

2. **Experts:** Expert disclosure required by FRCP 26(a)(2), if any, will be made by the Plaintiff no later than **March 3, 2005**, and by Defendants no later than **April 3, 2005**. Any expert depositions shall be completed by **June 3, 2005**.

### **B. Motion Schedule**

1. Motions for Summary Judgment pursuant to Rule 56 shall be filed by **July 3, 2005**. Oppositions to any Motions for Summary Judgment shall be filed by **August 3, 2005**.

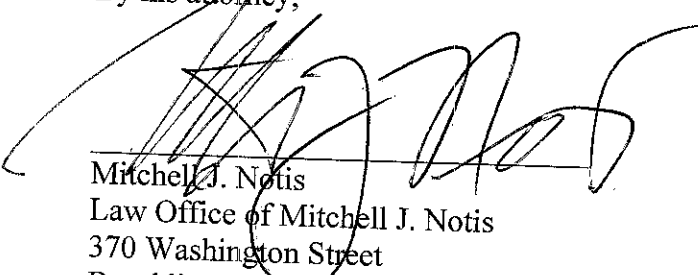
**C. Pretrial Conference**

The parties will be prepared to meet with the Court to discuss scheduling the trial of this matter on or after **September 3, 2005**.

**IV. Certification By Counsel and Parties**

Pursuant to Local Rule 16.1 (D)(3), certifications from counsel and authorized representatives of each party that they have conferred on the matters set forth in that Rule have been executed and filed with the Court. Plaintiff's certification is attached to this Joint Statement, and Defendants' certifications have been separately filed with the Court.

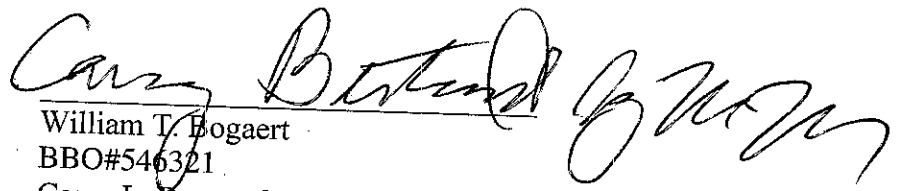
Thomas Buffonge  
By his attorney,



Mitchell J. Notis  
Law Office of Mitchell J. Notis  
370 Washington Street  
Brookline, MA 02445  
617-566-2700  
BBO# 374360

Prudential Insurance Company  
Getronics Wang Co., LLC

By their attorneys,



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UNITED STATES DISTRICT COURT  
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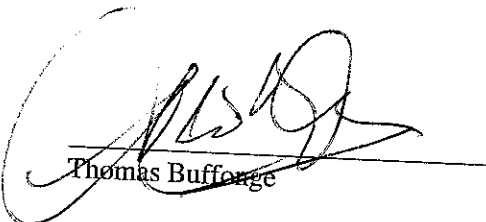
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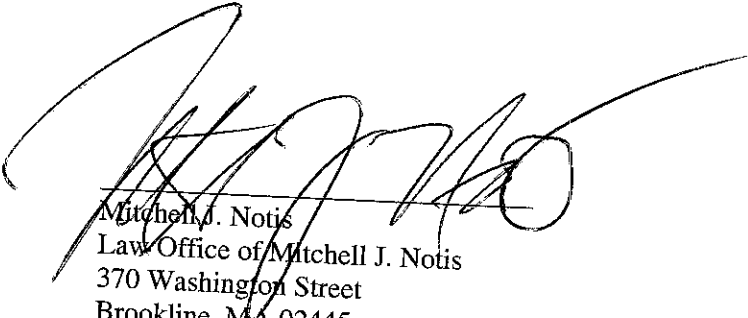
THOMAS BUFFONGE	)
Plaintiff	)
	)
Vs.	)
	)
PRUDENTIAL INSURANCE	)
COMPANY	)
And	)
GETRONICS WANG CO., LLC	)
Defendants	)

LOCAL RULE 16.1 CERTIFICATION

Thomas Buffonge, Plaintiff in the above-captioned action, and Mitchell J. Notis, counsel to Plaintiff Buffonge in this action, hereby certify and confirm that they have conferred:

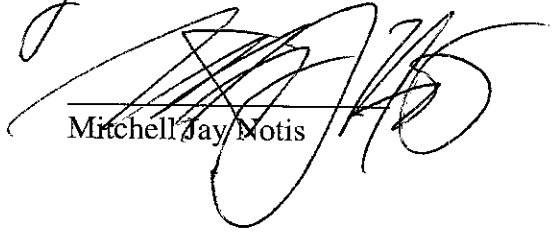
- a. with a view to establishing a budget for the costs of conducting the full course and various alternative courses of this litigation; and
- b. to consider the resolution of this litigation through the use of alternative dispute resolution programs.

  
Thomas Buffonge

  
Mitchell J. Notis  
Law Office of Mitchell J. Notis  
370 Washington Street  
Brookline, MA 02445  
617-566-2700  
BBO# 374360

CERTIFICATE OF SERVICE

I, Mitchell Jay Notis, hereby certify that I served a copy of the foregoing document and attachments upon counsel for all other parties to this action by 1st class mail, this 27 day of May, 2004.

  
\_\_\_\_\_  
Mitchell Jay Notis